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**From:** Keith Allred  
**Sent:** Thursday, May 26, 2011 7:46 AM  
**To:** 'Daxton Grubb'; Robin Bartolo  
**Subject:** RE: BRUXZIR - R-dent.doc

Yes sir—thank you Daxton. --Keith

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**From:** Daxton Grubb [mailto:daxton@rdentlab.com]  
**Sent:** Thursday, May 26, 2011 7:32 AM  
**To:** Keith Allred; Robin Bartolo  
**Subject:** RE: BRUXZIR - R-dent.doc

Keith,  
I just wanted to let you know, we have officially done away with R-brux(see our site), and we are now promoting only the Bruxzir. I have changed the work codes in my billing software so the docs will only see this product when they request any full-contour, R-brux, Bruxzir cases. As I mentioned, I will make the changes to the lab script and fee guides as soon as we re-order. Is this all ok with you?

Thanks,



[www.facebook.com/rdentlab](http://www.facebook.com/rdentlab)  
[twitter.com/rdentdentallab](https://twitter.com/rdentdentallab)  
[www.youtube.com/user/rdentlab](http://www.youtube.com/user/rdentlab)

President

R-dent Dental Laboratory, Inc.

[www.rdentlab.com](http://www.rdentlab.com)

6590 Summer Knoll Cove#101

Bartlett, TN 38134

(901)372-8020 office

(901)372-8617 fax

(901)461-1314 cell



*"Aim at heaven and you will get earth thrown in, aim at earth and you will get nothing."*

C.S. Lewis

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(Page 58 of 99)

EXHIBIT 143  
WIT: Allred  
DATE: 10-25-12  
L. Moskowitz, CSR 10816, RPR

EXHIBIT 26

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**From:** Daxton Grubb [mailto:daxton@rdentlab.com]  
**Sent:** Monday, May 09, 2011 10:19 AM  
**To:** 'Keith Allred'; 'Robin Bartolo'  
**Subject:** RE: BRUXZIR - R-dent.doc

Keith,

I am just following up with you again on my decision to become a Bruxzir certified laboratory. I would like to get permission, from you on my action plan as follows below in terms of eliminating the "R-brux":

- 1.) Immediate change in our lab software (for billing on invoices) from R-brux to Bruxzir for product description.
- 2.) Change this month, of any verbiage of R-brux to Bruxzir
- 3.) All RX prescriptions and brochures printed going forward to be change to Bruxzir (once it is time to re-order)
- 4.) I will change my youtube video to read "How to adjust Bruxzir". How do I handle the R-brux adjustment kits we made -up from Axis? I will not re-order anymore, but I will need your help on how to handle this.

I believe this covers everything, you can confirm all with Robin on my decision. I appreciate you working with me on this, and I think these changes should be able to make everyone happy.

Best,



[www.facebook.com/rdentlab](http://www.facebook.com/rdentlab)  
[twitter.com/rdentdentallab](https://twitter.com/rdentdentallab)  
[www.youtube.com/user/rdentlab](http://www.youtube.com/user/rdentlab)  
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[www.rdentlab.com](http://www.rdentlab.com)

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***C.S. Lewis***

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**From:** Keith Allred [mailto:[kallred@glidewell dental.com](mailto:kallred@glidewell dental.com)]

**Sent:** Wednesday, May 04, 2011 6:12 PM

**To:** Daxton Grubb

**Subject:** RE: BRUXZIR - R-dent.doc

Hello Daxton:

I let Robin Bartolo know you are interested to know more about the milling blanks for BRUXZir® Crowns and Bridges.

We have the utmost respect for all of the challenges that you face in fulfilling the expectations of your clients on a daily basis and wish you success. It is understood that you would like to use up your supply of prescription forms (can we agree, e.g., over the next 90-days?) before the next printing and that they will be discontinued at that time along with perhaps other items on a similar timetable.

Sincerely,  
Keith

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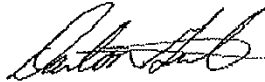
(Page 60 of 99)

**From:** Daxton Grubb [mailto:daxton@rdentlab.com]  
**Sent:** Wednesday, May 04, 2011 3:26 PM  
**To:** Keith Allred  
**Subject:** RE: BRUXZIR - R-dent.doc

Keith,

Just letting you know, I have heard nothing from your contact on becoming a Bruxzir lab. I think this is going to be my decision, but I want to see the contract or obligation first. Also, if I did do this, can I just send a memo to all docs this is what we are doing and can I keep from having to reprint my brochures, lab scripts, etc. and just make the changes on everything going forward? Basically, what I am asking, is will you work with me if I commit to Bruxzir certification on minimizing my loss on printing?

Thanks,



[www.facebook.com/rdentlab](http://www.facebook.com/rdentlab)  
[twitter.com/rdentdentallab](http://twitter.com/rdentdentallab)  
[www.youtube.com/user/rdentlab](http://www.youtube.com/user/rdentlab)

President

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C.S. Lewis

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**From:** Keith Allred [mailto:[kallred@glidewell dental.com](mailto:kallred@glidewell dental.com)]  
**Sent:** Friday, April 29, 2011 1:42 PM  
**To:** Daxton Grubb  
**Subject:** RE: BRUXZIR - R-dent.doc

Hello Daxton:

That would present a lot of tricky issues. The expense of administering a system of authorizing and protecting what conceivably could be a plethora of similar marks would be very difficult.

Additionally, the complexity of the licensing arrangement that would be required probably is not an expense that neither party will wish to undertake. The reason for the complexity of such a license is because the owner of the mark must be careful to avoid the consequences of entering into what might be construed as 'naked licensing.'

For example, the use of BRUXZir Milling Blocks is the necessary quality control standard to use the mark. However, in the event BRUXZir Milling Blocks are not used, the licensor would have to be responsible on some level for maintaining quality standards of licensees who did not use BRUXZir Milling Blocks but who still intended to use the mark (otherwise, the owner of the mark would even run the risk of forfeiting its own rights in the mark).

A situation similar to what you mentioned is where the owner of the mark might fabricate BRUXZir Milling Blocks (using the company's proprietary patent-pending process) to be sold under the buyer's mark. The private labeling of BRUXZir Milling Blocks might be something that the company would consider under certain circumstances—e.g., pursuant to a distribution agreement—however, that would have to involve a many thousands of blocks to make such an arrangement worthwhile to both parties.

Thanks,  
Keith

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**From:** Daxton Grubb [mailto:[daxton@rdentlab.com](mailto:daxton@rdentlab.com)]  
**Sent:** Friday, April 29, 2011 9:42 AM  
**To:** Keith Allred  
**Subject:** Re: BRUXZIR - R-dent.doc

If I did become a Bruxzir lab, used only ur block, could I keep my name still, "rbrux?"

Daxton Grubb

President  
R-dent Dental Laboratory, Inc  
(901)372-8020 office  
(901)372-8617 fax

Sent from my iPhone

On Apr 29, 2011, at 11:38 AM, "Keith Allred" <[kallred@glidewell dental.com](mailto:kallred@glidewell dental.com)> wrote:

Hello Daxton:

That would be great: become an Authorized BRUXZIR Lab.

<image001.gif>

If you'd like to learn about the benefits of becoming an Authorized BRUXZIR, Robin Bartolo would love to hear from you.

Thanks,

Keith

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**From:** Daxton Grubb [mailto:[daxton@rdentlab.com](mailto:daxton@rdentlab.com)]  
**Sent:** Friday, April 29, 2011 9:26 AM  
**To:** Keith Allred  
**Subject:** RE: BRUXZIR - R-dent.doc

What if I am using your block?

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**From:** Keith Allred [mailto:kallred@glidewell dental.com]  
**Sent:** Friday, April 29, 2011 10:45 AM  
**To:** Daxton Grubb  
**Subject:** RE: BRUXZIR - R-dent.doc

Daxton: No not yet—as you know, Glidewell Labs is concerned about the possibility of confusion of source of goods in the dental marketplace with regard to R-Dent's R-BRUX. In our opinion there is risk of likelihood of confusion with respect to our BRUXZIR mark, registered in the United States since January 2010. Glidewell Labs has invested several millions of dollars in developing and marketing the *BRUXZir* brand of full zirconia restorations. It was the first ever all-ceramic and all-zirconia restorative brand to include the indication for patients with the parafunctional condition of bruxism. Legal precedents require that Glidewell Laboratories actively protect the trademarked brand or risk losing its unique value. The network of partner authorized dental laboratories who agreed to invest in providing the authentic *BRUXZir* dental restorations also expect Glidewell Labs to ensure trademark law enforcement. I hope everything will be Ok with all of the weather issues that you have had to deal with. I will be in the office all of next week. Sincerely, Keith

Keith Allred

Glidewell Laboratories  
4141 MacArthur Blvd.  
Newport Beach, CA 92660  
(800) 854-7256  
[www.glidewelldental.com](http://www.glidewelldental.com)

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**From:** Daxton Grubb [mailto:daxton@rdentlab.com]  
**Sent:** Thursday, April 28, 2011 7:44 PM  
**To:** Keith Allred  
**Subject:** RE: BRUXZIR - R-dent.doc

Keith,

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Have you heard from my attorney yet? If not, I will make certain he calls you tomorrow. I apologize for the delay, but I have had some problems with the weather.

Sincerely,

<image002.gif>

[www.facebook.com/rdentlab](http://www.facebook.com/rdentlab)

[twitter.com/rdentdentallab](https://twitter.com/rdentdentallab)

[www.youtube.com/user/rdentlab](http://www.youtube.com/user/rdentlab)

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<image003.jpg>

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C.S. Lewis

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**From:** Keith Allred [mailto:[kallred@glidewell dental.com](mailto:kallred@glidewell dental.com)]  
**Sent:** Monday, April 18, 2011 7:22 PM  
**To:** Daxton Grubb  
**Subject:** RE: BRUXZIR - R-dent.doc

Hello and please call me direct anytime at 949-440-2683. --Keith

Keith Allred

<image004.gif>  
**Glidewell Laboratories**  
4141 MacArthur Blvd.  
Newport Beach, CA 92660  
(800) 854-7256  
[www.glidewell dental.com](http://www.glidewell dental.com)

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**From:** Daxton Grubb [mailto:[daxton@rdentlab.com](mailto:daxton@rdentlab.com)]  
**Sent:** Monday, April 18, 2011 5:03 PM  
**To:** Keith Allred  
**Subject:** Re: BRUXZIR - R-dent.doc

When can I call you tomorrow?

Daxton Grubb

President

R-dent Dental Laboratory, Inc

(901)372-8020 office

(901)372-8617 fax

Sent from my iPhone

On Apr 18, 2011, at 6:31 PM, "Keith Allred"  
<[kallred@glidewell dental.com](mailto:kallred@glidewell dental.com)> wrote:

**NOTICE OF TRADEMARK INFRINGEMENT**

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<image005.jpg>

April 18, 2011

TRANSMITTED VIA EMAIL AND  
DELIVERED BY U.S. MAIL

R-dent Dental Laboratory, Inc.

6590 Summer Knoll Cove

Suite 101

Bartlett, TN 38134

(901) 372-8020

Daxton Grubb, President

[daxton@rdentlab.com](mailto:daxton@rdentlab.com)

Randy Grubb, CEO

[randy@rdentlab.com](mailto:randy@rdentlab.com)

[www.rdentlab.com](http://www.rdentlab.com)

Attn: President & CEO

**Re: Infringement of Glidewell Laboratories'  
BruxZir® Trademarks, Misbranding, Violation  
of Federal Acts and State Statutes and Unfair  
Business Practices**

The serious matter of your infringement of my client's proprietary property rights in connection with the unauthorized use Glidewell Laboratories' registered trademarks on your work order has come to our attention.

Glidewell Laboratories has for years used the mark BRUXZIR both nationally and internationally to identify its dental laboratory goods and services in the US and its CE certified BruxZir® zirconia milling blanks in Europe. The company enjoys considerable good will associated with its use of the aforesaid mark.

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The promotion of dental laboratory services by your lab of a R-Brux is using a similar mark where there is an appreciable likelihood of confusion and a palming off goods by an unauthorized substitution of one brand for the brand ordered, which in this instance is a deliberate misappropriation of intellectual capital for commercial purposes that is actionable unfair competition under California law (California Business and Professions Code §17200)

Under federal law, Trademark infringement is presumptively an unfair exploitation of the monopoly privilege that belongs to the owner of the mark. Infringement is a 'tarnishment' of the owner's mark and results in "brand confusion" and the likelihood of 'initial interest' confusion as to the actual identity of the source of the goods and services.

For the above reasons, we must insist that you immediately cease use of the infringing marks in your promotions and elsewhere. Should you not terminate use of the mark, Glidewell Laboratories reserves its rights to take legal action to stop you from using the mark by seeking an injunction, monetary relief, and attorney fees.

Please contact me, or have your attorney contact me, within ten days of receipt of this communication if you are unsure about the appropriate steps that you must take to avoid liability for your refusal to discontinue your use of the infringing marks. Additionally, if you wish to be on the list of BruxZir® authorized dental laboratories, call Glidewell Direct.

Your prompt attention is appreciated.

Sincerely,

---

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(Page 69 of 99)

KEITH D. ALLRED

Attorney for Glidewell Laboratories

4141 MacArthur Blvd.

Newport Beach, CA 92660

Tel 949-440-2683

Fax 949-440-2787

Email [kallred@glidewelldental.com](mailto:kallred@glidewelldental.com)

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-- ATTACHMENT "A" --

[Copied from Assured DL website:

<http://www.rdentdentallaboratory.com/admin/files/111/pdf/RBrux.pdf>]

<image003.jpg>

<image004.jpg>////

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